

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Peter Anthony Hochstein  
Appl. No. : 09/382,702  
Filed : August 24, 1999  
Title : POWER SUPPLY FOR LIGHT EMITTING DIODE ARRAY  
  
Grp./A.U. : 2838  
Examiner : Bao Q. Vu  
  
Docket No. : 65,016-046

**REQUEST FOR REINSTATEMENT OF APPEAL BRIEF**

**Commissioner of Patents**

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Final Office Action dated February 28, 2005, Attorney for applicant wishes to Request Reinstatement of the Appeal Brief which was filed on May 7, 2004.

As noted by the Final Office Action the Attorney for Applicant is hereby submitting a Supplemental Appeal Brief which contains no new amendments, affidavits or any additional evidence.

Respectfully submitted

**HOWARD & HOWARD ATTORNEYS, P.C.**

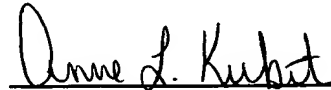
April 28, 2005

Date

Harold W. Milton, Jr., Registration No. 22,180  
The Pinehurst Office Center, Suite #101  
39400 Woodward Avenue  
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(248) 723-0352

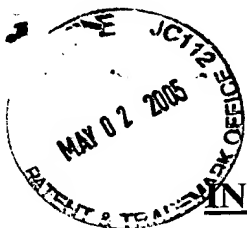
## **CERTIFICATE OF MAILING**

I hereby certify that this **Request for Reinstatement of Appeal Brief** for U.S. Serial No.: 09/382,702 filed August 24, 1999 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **April 27, 2005.**

  
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Anne L. Kubit

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**SUPPLEMENTAL APPEAL BRIEF**

**Commissioner of Patents**

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Patentee respectfully reinstates its appeal in response to the Examiner's February 28, 2005 re-opening of prosecution. In this supplemental brief, Patentee reincorporates by reference his May 7, 2004 Corrected Appeal Brief. Patentee elects to stand on the previous brief because we do not believe that in reopening prosecution the Examiner has identified any truly-new grounds for rejection, other than with respect to claim 3. All such rejections appear in substance to be identical to the earlier ones.

As for claim 3, the Examiner for the first time rejects it under Section 103(a), allegedly finding the presence of all elements in the same prior art combination applied against most of the other claims. The Examiner is wrong. Claim 3 includes an element missing from the applied prior art: the "pulse width modulated modulator means (46)" which is located between the power factor correction converter means and the LED array. As the specification indicates (12:55-13:8) this modulator means is used in the preferred embodiment to dim the light output in response to an appropriate dimming signal. The Examiner's rejection at page 4 indicates a belief that the structure on page 25 of the Power Supply Cookbook, 4<sup>th</sup> paragraph, is the same modulator means. That is not true, since the prior art structure does not perform the same function or achieve it with the

**Applicant: Peter A. Hochstein**  
**Serial No.: 09/382,702**  
**Page 2 of 2**

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same or equivalent structure. This prior art does not disclose dimming light output, while claim 3's modulator means does just that.

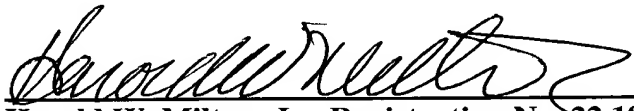
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**April 27, 2005**

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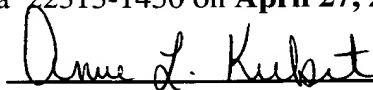
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Anne L. Kubit